

Alcohol Advisory Council Act 1976

Public Act 1976 No 143
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The former Title of this Act, the “Alcoholic Liquor Advisory Council Act 1976”, was repealed, as from 20 August 2000, by section 3 Alcohol Advisory Council Amendment Act 2000 (2000 No 25). The new title was inserted pursuant to section 4(1) of that Act.

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An Act to provide for the establishment of an Alcoholic Liquor Advisory Council having as its primary objective the promotion of moderation in the use of alcoholic liquor and the reduction of the personal, social, and economic evils resulting from the misuse of alcoholic liquor, to define the Council's functions and powers, and to make provision for the funding of the Council's activities by means of a levy on alcoholic liquor imported into or manufactured in New Zealand

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Alcohol Advisory Council Act 1976.
- (2) Sections 25 to 34 and section 40 of this Act shall come into force on the 1st day of April 1978.
- (3) Except as provided in subsection (2) of this section, this Act shall come into force on the date on which it receives the Governor-General's assent.

Subsection (1) was amended, as from 20 August 2000, by section 4(2) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by substituting the words "Alcohol Advisory Council" for the words "Alcoholic Liquor Advisory Council".

1A Purpose

The purpose of this Act is to—

- (a) provide for the establishment of an Alcohol Advisory Council of New Zealand having as its primary objective the encouragement and promotion of moderation in the use of liquor, the discouragement and reduction of the misuse of liquor, and the minimisation of the personal, social, and economic harm resulting from the misuse of liquor; and
- (b) define the Council's functions and powers; and
- (c) make provision for the funding of the Council's activities by means of a levy on liquor imported into, or manufactured in, New Zealand.

Section 1A was inserted, as from 20 August 2000, by section 5 Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

Aggregate expenditure figure, in relation to any financial year, means the aggregate expenditure figure assessed in respect of that year by the Minister under section 25(1) of this Act

Aggregate levy figure, in relation to any financial year, means the aggregate levy figure determined in respect of that year by the Minister under section 25(2) of this Act

Alcoholic Liquor Account*[Repealed]*

Alcoholic Liquor Account: this definition was repealed, as from 20 August 2000, by section 6(3)(a) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

[Repealed]

Alcoholic Liquor Fund or Fund*[Repealed]*

Alcoholic Liquor Fund or Fund: this definition was repealed, as from 20 August 2000, by section 6(3)(b) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

[Repealed]

Appointed member*[Repealed]*

Appointed member: this definition was repealed, as from 20 August 2000, by section 6(3)(c) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

[Repealed]

Basic unit of liquor means—

(a) In relation to beer, fortified wine, and unfortified wine, a litre:

(b) In relation to spirits, a litre of alcohol:

Basic unit of liquor: paragraph (b) substituted, as from 25 October 1989, by section 2(1) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Beer means the product of the alcoholic fermentation by yeast of liquid derived from a mash of drinking water and malt grains with hops or their extracts that on analysis is found to contain more than 1.15 percent volume of alcohol

Beer: this definition was substituted, as from 25 October 1989, by section 2(2) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Chairman*[Repealed]*

Chairman: this definition was substituted by a definition of the term chairperson, as from 20 August 2000, by section 6(1) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

[Repealed]

Chairperson*[Repealed]*

Chairperson: this definition was substituted for a definition of the term Chairman, as from 20 August 2000, pursuant to section 6(1) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

Chairperson: this definition was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

[Repealed]

Collector of Customs or Collector*[Repealed]*

Collector of Customs or Collector: this definition was repealed, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27).

[Repealed]

Council means the Alcohol Advisory Council of New Zealand constituted by section 3

Council: this definition was substituted, as from 20 August 2000, by section 6(1) Alcohol Advisory Council Amendment Act 2000 (2000 No 25). *See* 24 of that Act as to the transitional provisions.

Customs or the Customs has the meaning given to it by section 2(1) of the Customs and Excise Act 1996

Customs or the Customs: this definition was inserted, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27).

Financial year*[Repealed]*

Financial year: this definition was amended, as from 21 December 1992, by section 42 Public Finance Amendment Act 1992 (1992 No 142) by substituting the word “July” for the word “April”.

Financial year: this definition was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

[Repealed]

Fortified wine means any product that, if imported, would be admissible for the time being under any of the headings 22.04, 22.05, and 22.06 of the Tariff of New Zealand and that exceeds in strength 14 percent alcohol by volume

Fortified wine: this definition was inserted, as from 25 October 1989, by section 2(3) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Fortified wine: this definition was amended, as from 20 August 2000, by section 6(3)(d) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “Customs”.

Fruit wine means wine manufactured in New Zealand from any product other than grapes

Fruit wine: this definition was substituted, as from 25 October 1989, by section 2(3) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Grape wine means wine manufactured in New Zealand from grapes

Grape wine: this definition was substituted, as from 25 October 1989, by section 2(3) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Hotel Investment Account*[Repealed]*

Hotel Investment Account: this definition was repealed, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63).

[Repealed]

Levy means a levy payable under section 28 of this Act

Licensing fund*[Repealed]*

Licensing fund: this definition was repealed, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63).

[Repealed]

Liquor Fund or **Fund** means the Liquor Fund established under section 20

Liquor Fund or Fund: this definition was inserted, as from 20 August 2000, by section 6(2) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

Minister means the Minister of Health

Minister: this definition was substituted, as from 10 July 1987, by section 2(1) Alcoholic Advisory Council Amendment Act 1987 (1987 No 131).

Official member*[Repealed]*

Official member: this definition was amended, as from 14 August 1986, by section 2(2) Alcoholic Liquor Advisory Council Amendment Act 1986 (1986 No 51) by substituting the words “paragraph (c) or paragraph (d)” for the words “any of paragraphs (b) to (d)”.

Official member: this definition was repealed, as from 20 August 2000, by section 6(3)(e) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

[Repealed]

Preceding statistical year means the latest complete period of 12 consecutive months in respect of which, at any material time, the following information is available to the Minister, that is the total number of litres of beer, spirits, and wine imported into, and manufactured in, New Zealand during that period

Preceding statistical year: this definition was amended, as from 13 July 1978, by section 2(3) Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7) by omitting the word “proof”.

Primary objective, in relation to the Council, means the primary objective of the Council as set out in section 7 of this Act

Spirits means ethyl alcohol, whether denatured or not, and any spirituous beverages, including brandy, gin, rum, vodka, whisky, and every other description of spirituous liquor derived from ethyl alcohol

Spirits: this definition was substituted, as from 25 October 1989, by section 2(4) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Wine means all products that, if imported, would be admissible for the time being under any of the headings 22.04, 22.05, and 22.06 of the Tariff of New Zealand

Wine: this definition was substituted, as from 25 October 1989, by section 2(5) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Wine: this definition was amended, as from 20 August 2000, by section 6(3)(f) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “Customs”.

Wine Institute’s trustee*[Repealed]*

Wine Institute’s trustee: this definition was inserted, as from 13 July 1978, by section 2(5) Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

Wine Institute’s trustee: this definition was repealed, as from the close of 30 June 2004, by section 124(2) Wine Act 2003 (2003 No 114).

[Repealed]

winemaker has the same meaning as in the Wine Act 2003.

winemaker: this definition was inserted, as from the close of 30 June 2004, by section 124(2) Wine Act 2003 (2003 No 114).

- (2) For the purposes of section 26(2) of this Act, the number of alcohol units of beer or spirits, or fortified wine, or unfortified wine, imported into or manufactured in New Zealand during any statistical year shall be calculated by multiplying the total number of litres of that class of liquor so imported or manufactured during that year—
- (a) By 3, in the case of beer:
 - (b) By 42, in the case of spirits:
 - (c) By 18, in the case of fortified wine:
 - (d) By 11, in the case of unfortified wine.

(2A)

(2B)

- (2C) For the purposes of the said section 26(2), and of subsection (2) of this section, the total number of litres of spirits manufactured in or imported into New Zealand during any statistical year shall be calculated in accordance with the following formula:

$$\text{Total number of litres} = \text{PL} \times \frac{4}{3},$$

where PL is the total number of proof litres of spirits manufactured in or imported into New Zealand during that statistical year.

- (2D) For the purposes of sections 26(2) and 28, and of subsection (2) of this section, where any wine manufactured in New Zealand is sold to another winemaker for blending with other wine, the wine so sold is deemed to be manufactured by the person who blends it, and not by its original maker.
- (3) For the purposes of section 26(2), and of subsection (2) of this section, the total number of litres of wine manufactured in New Zealand during any statistical year is deemed to be the same as the total number of litres of wine sold by winemakers during that year.
- (4) For the purposes of sections 28 and 29A, the total number of litres of wine sold in New Zealand during any financial year is deemed to be the same as the total number of litres of wine sold in New Zealand during the preceding statistical year.

Subsections (2A) and (2B) were inserted, as from 13 July 1978, by section 2(6) Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7), and repealed, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63).

Subsections (2C) and (2D) were inserted, as from 13 July 1978, by section 2(6) Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

Subsections (2D) and (3) were substituted, as from 1 January 2004, by section 124(1) Wine Act 2003 (2003 No 114).

Subsection (4) was inserted, as from 9 December 1977, by section 2 Alcoholic Liquor Advisory Council Amendment Act 1977 (1977 No 78). The proviso was inserted, as from 13 July 1978, by section 2(7) Alcoholic Advisory Council Amendment Act 1978 (1978 No 7).

Subsection (4) was substituted, as from 1 January 2004, by section 124(1) Wine Act 2003 (2003 No 114).

Constitution of Council

3 Constitution of Alcohol Advisory Council

- (1) For the purposes of this Act there is a Council called the Alcohol Advisory Council of New Zealand.
- (2) The name of the Alcohol Advisory Council is, in the Maori language, Kaunihera Whakatupato Waipiro O Aotearoa.
- (3) The Council is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (4) The Crown Entities Act 2004 applies to the Council except to the extent that this Act expressly provides otherwise.

Subsection (1A) of the original section 3 was inserted, as from 13 July 1978, by section 3 Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

Subsections (1B) and (1C) of the original section 3 were inserted, as from 25 October 1989, by section 3 Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Subsection (2) of the original section 3 was amended, as from 14 August 1986, by section 2(1)(a) Alcoholic Liquor Advisory Council Amendment Act 1986 (1986 No 51) by substituting the figure “8” for the figure “9”.

Subsection 2(b) of the original section 3 was repealed, as from 14 August 1986, by section 2(1)(b) Alcoholic Liquor Advisory Council Amendment Act 1986 (1986 No 51).

Subsection (2)(c) of the original section 3 was amended, as from 1 July 1993, by section 32 Health Reforms (Transitional Provisions) Act 1993 (1993 No 23) by substituting the word “Ministry” for the word “Department”.

Subsection (2)(d) of the original section 3 was substituted, as from 1 October 1999, by section 13 Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 3 was substituted, as from 20 August 2000, by section 7 Alcohol Advisory Council Amendment Act 2000 (2000 No 25). *See* 24 of that Act as to the transitional provisions.

Subsection (3) was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Subsection (4) was inserted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

3A Membership of Council

- (1) The Council consists of 8 members.
- (2) The members of the Council must include—

- (a) at least 1 person who is Maori:
 - (b) at least 1 person from the Pacific Island community:
 - (c) at least 1 person with experience in public health:
 - (d) at least 1 person with experience in the development and implementation of social policy:
 - (e) at least 1 person with experience in the treatment of alcohol dependence.
- (3) Members of the Council are the board for the purposes of the Crown Entities Act 2004.
- (4) Subsections (1) and (2) do not limit section 29 of the Crown Entities Act 2004.

Section 3 was substituted, and section 3A was inserted, as from 20 August 2000, by section 7 Alcohol Advisory Council Amendment Act 2000 (2000 No 25). See 24 of that Act as to the transitional provisions.

Subsection (1) was amended, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115) by omitting the words “to be appointed by the Governor-General on the recommendation of the Minister”.

Subsections (3) and (4) were substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

4 Term of office of members of Council

[Repealed]

Subsections (1), (2), and (3) were amended, as from 20 August 2000, by section 8(a) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “appointed”.

Subsection (3) was amended, as from 20 August 2000, by section 8(b) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by inserting the words “and the Chairperson may be removed from the office of Chairperson”.

Subsection (3) was amended, as from 1 January 2002, by section 70(1) Human Rights Amendment Act 2001 (2001 No 96), by substituting the words “inability to perform the functions of the office” for the word “disability”.

Subsection (4) was amended, as from 20 August 2000, by section 8(c) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “appointed” where it first appeared.

Subsection (4) was amended, as from 20 August 2000, by section 8(d) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by inserting the words “or the Chairperson is removed from the office of Chairperson.”.

Sections 4 to 6 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

5 Deputy Chairperson

[Repealed]

Section 5 was substituted, as from 20 August 2000, by section 9 Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

Sections 4 to 6 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

6 Deputies of members

[Repealed]

Subsection (1) was amended, as from 20 August 2000, by section 10(1)(a) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “appointed”.

Subsection (2) was substituted, as from 14 August 1986, by section 2(3) Alcoholic Liquor Advisory Council Amendment Act 1986 (1986 No 51).

Subsection (2) was amended, as from 1 July 1993, by section 32 Health Reforms (Transitional Provisions) Act 1993 (1993 No 23) by substituting the words “Ministry of Health” for the words “Department of Health”.

Subsection (2) was amended, as from 1 October 1999, by section 13 Department of Child, Youth and Family Services Act 1999 (1999 No 82) by substituting the words “chief executive of the department for the time being responsible for the administration of the Department of Social Welfare Act 1971” for the words “Director-General of Social Welfare”. It was further amended by section 13 of that Act by substituting the word “department” for the words “Department of Social Welfare”.

Subsection (2) was repealed, as from 20 August 2000, by section 10(2) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

Subsection (3) was amended, as from 20 August 2000, by section 10(1)(b) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by substituting the word “Chairperson” for the word “Chairman”.

Sections 4 to 6 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Objective, functions, and powers of Council

7 Primary objective of Council

The primary objective of the Council is the encouragement and promotion of moderation in the use of liquor, the reduction and discouragement of the misuse of liquor, and the minimisation of the personal, social, and economic harm resulting from the misuse of liquor.

Sections 7 and 8 were substituted, as from 20 August 2000, by section 11 Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

8 Functions of Council

- (1) In pursuing its primary objective, the Council has the following functions:
- (a) to encourage, promote, sponsor, and co-operate in research into—
 - (i) the use of liquor in New Zealand:
 - (ii) public attitudes in New Zealand towards the use of liquor:
 - (iii) problems associated with or consequent on the misuse of liquor in New Zealand:
 - (iv) means of minimising the harmful effects of liquor:
 - (b) to encourage, promote, sponsor, and co-operate in the dissemination to the public, or to any class of persons, of information relating to any problem that is or may be associated with or consequent on the misuse of liquor:
 - (c) to devise, promote, sponsor, and conduct, and to encourage and co-operate in the preparation and conduct of, educational programmes for the public or for any class of persons (including persons attending schools or other educational institutions, and persons who may for any reason be at special risk in respect of liquor-related problems) designed—
 - (i) to discourage the misuse of liquor:
 - (ii) to encourage moderation in the use of liquor:
 - (iii) to promote and encourage responsible attitudes towards the use of liquor:
 - (d) to sponsor innovative programmes for the treatment, care, and rehabilitation of persons adversely affected by the use of liquor, whether by themselves or others:
 - (e) with respect to any of the matters referred to in paragraphs (a) to (d), to make recommendations to the Government, departments of State, authorities in the fields of health, education, social welfare, and industry, and any other public or private bodies, associations, or persons:
 - (f) to make recommendations to such person or persons as the Council thinks fit about the advertising of liquor, whether generally or through any particular medium,

- and the need to regulate or in any way restrict such advertising:
- (g) to consider such matters relating to the sale and consumption of liquor as may be referred to the Council from time to time by the Minister of the Crown who is for the time being responsible for the administration of the Sale of Liquor Act 1989, and to report to that Minister on the results of that consideration:
 - (h) to consider and report to the Minister on such matters relating to the use or misuse of liquor as are referred to the Council from time to time by the Minister:
 - (i) to carry out such other activities as, in the Council's opinion, will assist in the pursuit of its primary objective.
- (2) Without limiting its functions under subsection (1), the Council has the following further functions:
- (a) to encourage, promote, sponsor, and co-operate in the preparation, publication, and dissemination, to interested bodies, associations, and persons, of research papers, theses, and other reports relating to any matter with which the Council is concerned:
 - (b) to obtain, monitor, analyse, collate, and disseminate to interested bodies, associations, and persons in New Zealand, information from overseas relating to any matter with which the Council is concerned:
 - (c) to encourage, promote, sponsor, and co-operate in the preparation and publication of a bibliography of literature relating to any matter with which the Council is concerned.
- (3) Whenever the Council makes any recommendation under subsection (1)(f) about the advertising of liquor, then, if the recommendation is not made to the Minister, it must send a copy of its recommendation to the Minister.

Subsection (1)(f) of the original section 8 was amended, as from 13 July 1978, by section 4(1) Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7) by substituting the words "such person or persons as the Council thinks fit" for the words "the Minister".

Subsection (1)(g) and (ga) of the original section 8 were substituted for the original subsection (1)(g), as from 10 July 1987, by section 2(2) Alcoholic Liquor Council Amendment Act 1987 (1987 No 131).

Subsection (4) of the original section 8 was inserted, as from 13 July 1978, by section 4(2) Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

Sections 7 and 8 were substituted, as from 20 August 2000, by section 11 Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

9 Powers of Council

(1)

(2) The Council may—

(a) Make grants out of the Liquor Fund to any body, association, or person engaged in any activity in any field with which the Council is concerned:

(aa) Make advances out of that Fund to any such body, association, or person, on such terms and subject to such conditions as to the payment of interest, the repayment of principal, the giving of security, and otherwise as the Council thinks fit:

(b) Co-operate with any body, association, or person engaged in any activity in any field with which the Council is concerned:

(c) Charge such fees (if any) as it may from time to time think reasonable for any material published by it and made available to the public.

(3) Subsection (2) does not limit sections 16 and 17 of the Crown Entities Act 2004.

Subsection (1) was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Subsection (2) was amended, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115) by substituting the word “The” for the words “Without limiting subsection (1) of this section, the”.

Subsection (2)(a) was amended, as from 20 August 2000, by section 12 Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “Alcoholic”.

Subsection (2)(aa) was inserted, as from 13 July 1978, by section 5 Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

Subsection (3) was inserted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

10 Council may appoint advisory and technical committees

[Repealed]

Sections 10 to 12 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

11 Council may co-opt specialist advice

[Repealed]

Sections 10 to 12 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Administrative provisions

12 Meetings of Council

[Repealed]

Section 12 was amended, as from 20 August 2000, by section 13(1)(a) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by substituting the word “Chairperson” for the word “Chairman”.

Subsection (4) was amended, as from 14 August 1986, by section 2(4) Alcoholic Liquor Advisory Council Amendment Act 1986 (1986 No 51) by substituting the expression “4” for the expression “5”.

Subsection (4) was substituted, as from 20 August 2000, by section 13(2) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

Subsection (8) was amended, as from 20 August 2000, by section 13(1)(b) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by substituting the word “chairperson” for the word “chairman”.

Subsection (8) was amended, as from 20 August 2000, by section 13(1)(c) Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by substituting the words “Deputy Chairperson” for the words “Deputy Chairman”.

Sections 10 to 12 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

13 Council to appoint chief executive officer

(1)

(2)

(3)

(4)

(5)

(6)

(7) In the event of any person being appointed to be the Council’s chief executive officer while he is a contributor to the Government Superannuation Fund under Part 2 of the Government

Superannuation Fund Act 1956, his service as chief executive officer shall be deemed for the purposes of the Government Superannuation Fund Act 1956 to be employment in the Government service.

Subsections (1) to (3) were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Subsection (4) was amended, as from 25 October 1989, by section 4 Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96) by substituting the words “approved by the Minister on the recommendation of the Council” for the words “fixed by the Minister of Finance”.

Subsection (4) was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Subsection (5) was substituted, as from 1 April 1991, by section 80 National Provident Fund Restructuring Act 1990 (1990 No 126).

Subsection (5) was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Subsection (6) was repealed, as from 13 December 1979, by section 2 Alcoholic Liquor Advisory Council Amendment Act 1979 (1979 No 75).

14 Other officers

[Repealed]

Section 14 was substituted, as from 25 October 1989, by section 5(1) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Subsection (4) was substituted, as from 1 April 1991, by section 80 National Provident Fund Restructuring Act 1990 (1990 No 126).

Sections 14 to 16 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

15 Council may insure members

[Repealed]

Section 15 was amended, as from 20 August 2000, by section 14 Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “appointed” where it first appears.

Sections 14 to 16 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

15A Members of Council, etc, not personally liable

[Repealed]

Section 15A was inserted, as from 13 July 1978, by section 6 Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

Sections 14 to 16 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

16 Fees and travelling allowances

[Repealed]

Sections 14 to 16 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

17 Salaries, etc, to be payable out of Fund

All fees, salaries, allowances, and other expenditure payable or incurred under or in the administration of this Act shall be payable out of the Liquor Fund.

Section 17 was amended, as from 20 August 2000, by section 15 Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “Alcoholic”.

18 Contracts of Council

[Repealed]

Section 18 was repealed, as from 13 July 1978, by section 3(2) Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

19 Crown may provide services for Council

[Repealed]

Sections 19 to 19C were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

19A Bank accounts

[Repealed]

Sections 19A and 19B were inserted, as from 9 December 1977, by section 4 Alcoholic Liquor Advisory Council Amendment Act 1977 (1977 No 78).

Subsection (1) was amended, as from 25 October 1989, by section 6 Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96) by substituting the words “determined from time to time by the Council” for the words “approved by the Minister of Finance”.

Subsection (4) was amended, as from 13 July 1978, by section 7 Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7) by omitting the words “, subject to any requirements of the Audit Office,”.

Subsection (5) was repealed, as from 20 August 2000, by section 16 Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

Sections 19 to 19C were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

19B Unauthorised expenditure*[Repealed]*

Sections 19A and 19B were inserted, as from 9 December 1977, by section 4 Alcoholic Liquor Advisory Council Amendment Act 1977 (1977 No 78).

Sections 19 to 19C were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

19C Council may borrow funds to meet temporary shortfall*[Repealed]*

Section 19C was inserted, as from 23 November 1982, by section 2 Alcoholic Liquor Advisory Council Amendment Act 1982 (1982 No 58).

Sections 19 to 19C were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Liquor Fund

This heading was amended, as from 20 August 2000, by section 17 Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “Alcoholic”. It previously read as follows: “Alcoholic Liquor Fund”.

20 Establishment of Fund

- (1) For the purposes of this Act there shall be a fund, to be called the Liquor Fund.
- (2) There shall from time to time be paid into the Fund—
 - (a) All money payable to the Council in respect of levies imposed under this Act:
 - (b) Any other money that may be lawfully payable into the Fund pursuant to this Act or any other enactment:
 - (c) Any money that may be donated or bequeathed to the Council for the purposes of the Council.
- (3) There shall from time to time be paid out of the Fund any money that may be lawfully payable out of the Fund pursuant to this Act or any other enactment.

Subsection (1) was amended, as from 20 August 2000, by section 18 Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by omitting the word “Alcoholic”.

21 Alcoholic Liquor Account*[Repealed]*

Subsection (1) was amended, as from 25 October 1989, by section 7(1) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96) by substi-

tuting the words “such bank as the Council may from time to time determine” for the words “the Reserve Bank of New Zealand”.

Subsection (2) was substituted, as from 25 October 1989, by section 7(2) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Section 21 was repealed, as from 20 August 2000, by section 21 Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

22 Investment of Fund

[Repealed]

Paragraph (b) was repealed, as from 25 October 1989, by section 8(a) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Paragraph (c) was amended, as from 25 October 1989, by section 8(b) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96) by omitting the words “approved by the Minister of Finance”.

Sections 22 to 24 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

23 Crown entity

[Repealed]

The original section 23 was amended, as from 13 July 1978, by section 8 Alcoholic Liquor Advisory Council Amendment Act 1987 (1978 No 7) by inserting after the words “the Fund” the words “(including all money standing to the credit of the Council in any bank account opened under section 19A of this Act)”.

Section 23 was substituted, as from 21 December 1992, by section 42 Public Finance Amendment Act 1992 (1992 No 142).

Subsection (2) was substituted, as from 1 July 2001, by section 53 Public Audit Act 2001 (2001 No 10).

Sections 22 to 24 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Imposition and payment of levies

24 Council to prepare and submit annual budget

[Repealed]

Sections 22 to 24 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

25 Minister to assess aggregate expenditure figure and determine aggregate levy figure

- (1) In respect of each financial year the Minister, acting with the concurrence of the Minister of Finance, shall, after considering the forecast financial statements in the Council’s statement

of intent, and after consultations with the Council, assess the aggregate expenditure figure for that year, being the amount that, in the opinion of the Minister, would be reasonable for the Council to expend during that year in the performance of its functions.

- (2) Having assessed the aggregate expenditure figure in respect of any financial year under subsection (1) of this section, the Minister shall determine the aggregate levy figure for that year, being an amount equal to the aggregate expenditure figure less the amount that, in the Minister's opinion, is likely to be received by the Council during the financial year by way of interest on money belonging to the Fund invested by the Council.
- (3) Nothing in this section shall oblige the Council to expend in any financial year the whole of its income received in that year; instead, the Council may accumulate any part of its income in any financial year and expend it as it sees fit for any of its purposes in any subsequent financial year.
- (4) Notwithstanding anything in subsection (2) of this section, where the Council carries forward any such amount to a subsequent financial year, the Minister may, in determining the aggregate levy figure for that year, take into account the whole or any part of that amount.

Subsection (1) was amended, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115) by substituting the words "forecast financial statements in the Council's statement of intent" for the words "statement submitted to him by the Council under section 24 of this Act in respect of that year".

Subsection (2) was amended, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115) by substituting the words "money belonging to the Fund invested by the Council" for the words "money invested by the Council pursuant to section 22 of this Act".

Subsections (3) and (4) were inserted, as from 13 July 1978, by section 9 Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

26 Minister to fix proportion of aggregate levy figure to be borne by various classes of liquor

- (1) Having assessed the aggregate levy figure in respect of any financial year under section 25 of this Act, the Minister shall, in accordance with subsection (2) of this section, determine the proportion of the aggregate levy figure that is to be borne for that year by each of the following classes of liquor:

- (a) Beer:
 - (b) Spirits:
 - (c) Fortified wine:
 - (d) Unfortified wine.
- (2) In every financial year the proportion of the aggregate levy figure that is to be borne by each of those classes of liquor shall be fixed by the Minister in the same ratio as the number of alcohol units of that class of liquor imported into or manufactured in New Zealand during the preceding statistical year bears to the total number of alcohol units of all those classes of liquor imported into or manufactured in New Zealand during that statistical year.
- (3) Notwithstanding anything in subsection (2) of this section, no liquor that was exported from New Zealand during the preceding statistical year shall be taken into account for the purposes of that subsection.

Subsection (3) was inserted, as from 9 December 1977, by section 5 Alcoholic Liquor Advisory Council Amendment Act 1977 (1977 No 78).

27 Minister to fix rate of levy payable in respect of various classes of liquor

- (1) Having assessed the proportion of the aggregate levy figure to be borne in any financial year by each of the classes of liquor referred to in section 26 of this Act in accordance with the provisions of that section, the Minister shall, by notice in the *Gazette*, and in accordance with the provisions of subsection (2) of this section, fix the rate at which the levy imposed by section 28 of this Act is to be payable on each basic unit of liquor of each such class.
- (2) In respect of every financial year the Minister shall fix the rate of the levy payable in respect of each class of liquor as the rate that, in the opinion of the Minister, is likely to yield, during that financial year, an amount equal to the proportion of the aggregate levy figure to be borne, pursuant to section 26 of this Act, by that class of liquor.

28 Levies payable by importers and manufacturers of liquor

- (1) In every financial year there shall be payable by every person who—

- (a) Enters for home consumption in New Zealand any imported liquor of any of the classes referred to in section 26 of this Act; or
 - (b) Manufactures in New Zealand any beer or spirits; or
 - (c) Sells any fortified wine or unfortified wine manufactured by that person in New Zealand,—
a levy at the rate for the time being fixed by the Minister in accordance with section 27 of this Act.
- (2) Notwithstanding anything in subsection (1) of this section, no levy shall be payable under this Act in respect of any liquor that is not subject to or is exempt from Customs duty under the Customs and Excise Act 1996.
- (3) Notwithstanding anything in this Act, where any person may be allowed, under the Customs and Excise Act 1996, any drawback in respect of any liquor, that person may also be allowed a refund of any levy paid by that person under this Act in respect of that liquor.
- (4) In this section the term **Customs duty** has the meaning given to the term **duty** by section 2(1) of the Customs and Excise Act 1996.

Section 28 was substituted, as from 25 October 1989, by section 9(1) Alcoholic Liquor Advisory Council Amendment Act 1989 (1989 No 96).

Subsection (2) was amended, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27) by substituting the words “the Customs and Excise Act 1996” for the words “any of the Customs Acts”.

Subsection (3) was amended, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27) by substituting the words “the Customs and Excise Act 1996” for the words “any of the Customs Acts”.

Subsection (4) was substituted, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27).

29 Payment and collection of levies in respect of beer

[Repealed]

Section 29 was repealed, as from 1 October 1986, by section 29(1) Customs Amendment Act 1986 (1986 No 44).

29A Payment and collection of levies in respect of beer, wine, and spirits

- (1) All levies payable under this Act in respect of any beer, wine, or spirits are payable to the Customs in addition to any duty

payable to the Customs in respect of the beer, wine, or spirits under the Customs and Excise Act 1996.

- (2) For the purposes of subsection (1), the levies are payable to the Customs at the same time as the excise duty or excise equivalent duty is payable under the Customs and Excise Act 1996 in respect of the beer, wine, or spirits concerned.

Section 29A was inserted, as from 1 October 1986, by section 29(1) Customs Amendment Act 1986 (1986 No 44).

Section 29A was substituted, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27).

Subsection (2) was amended, as from 20 August 2000, by section 20 Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by substituting the words “excise-equivalent duty” for the words “excise duty”.

Section 29A was substituted, as from the close of 30 June 2004, by section 124(2) Wine Act 2003 (2003 No 114).

30 Payment and collection of levies in respect of spirits

[Repealed]

Section 30 was repealed, as from 1 October 1986, by section 29(1) Customs Amendment Act 1986 (1986 No 44).

31 Payment and collection of levies in respect of wine

[Repealed]

Section 31 was substituted, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63).

Subsection (1)(c) was amended, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27) by substituting the word “Customs” for the words “Collector of Customs”.

Subsection (2)(c) was substituted, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27).

Subsection (2)(c) was amended, as from 20 August 2000, by section 21 Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by substituting the words “excise-equivalent duty” for the words “excise duty”.

Subsection (4) was repealed, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27).

Section 31 was repealed, as from the close of 30 June 2004, by section 124(2) Wine Act 2003 (2003 No 114).

32 Powers of the Customs

The powers and authorities of the Customs under the Customs and Excise Act 1996 shall, with all necessary modifications,

apply in the same manner to the collection of a levy under this Act as they apply to the collection of duty under that Act.

Subsection (2) of the original section 32 was inserted, as from 13 July 1978, by section 12 Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

Section 32 was substituted, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27).

33 All levies collected to be paid to Council

Subject to section 34 of this Act, all levies received under this Act by the Customs, the Wine Institute of New Zealand Incorporated and any Secretary of any District Licensing Agency shall be paid to the Council by the Customs, the Institute, or the Secretary, as the case may be.

Section 33 was amended, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63) by substituting the words “Secretary of any District Licensing Agency” and “Secretary” for the words “Clerk of a Licensing Committee” and “Clerk”.

Section 33 was amended, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27) by substituting the word “Customs” for the words “Collector of Customs” and also for the word “Collector”.

34 Crown may be reimbursed for collection of levies

- (1) Subject to subsection (2), for the purpose of reimbursing the Crown for any expenses incurred by the Customs in collecting any levies under this Act, the Customs may retain such percentage of every levy collected by it as may be determined by the Minister of Finance after consultation with the Council.
- (2) The amount of any levy retained under subsection (1) must not exceed 5% of the amount of the levies collected by the Customs.
- (3) The Crown is entitled in every financial year to recover from the Council out of the fund such sum in respect of the costs incurred by the Director-General of Health in administering this Act as may be determined by the Minister of Finance after consultation with the Council.

Subsection (1) was amended, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63) by substituting the words “Secretary of any District Licensing Agency” for the words “Clerk of any Licensing Committee”. It was further amended by substituting the word “Secretary” for the word “Clerk” of that Act.

Subsection (1) was amended, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27) by substituting the word “Customs” for the words “Collector of Customs” and also for the word “Collector”.

Subsection (3) was amended, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63) by substituting the words “Secretary of any District Licensing Agency” for the words “Clerk of a Licensing Committee”.

Subsection (3) was amended, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27) by substituting the word “Customs” for the words “Collector of Customs”.

Subsection (4) was inserted, as from 13 July 1978, by section 13(2) Alcoholic Liquor Advisory Council Amendment Act 1978 (1978 No 7).

Subsection (4) was amended, as from 10 July 1987, by section 2(4) Alcoholic Liquor Advisory Council Amendment Act 1987 (1987 No 131) by substituting the words “Director-General of Health” for the words “Department of Justice”.

Section 34 was substituted, as from the close of 30 June 2004, by section 124(2) Wine Act 2003 (2003 No 114).

Miscellaneous provisions

35 Transitional provisions relating to funding

[Repealed]

Section 35 was repealed, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63).

36 Donations and bequests to Council

Where, pursuant to the terms of any will or other instrument creating a trust, any money is payable to the Council, whether for the general purposes or for any specific purpose of the Council, the trustee may, unless the will or other instrument otherwise provides, pay the money to the Council without being concerned to see to the application thereof; and a receipt given on behalf of the Council and signed by the Chairperson and one other member of the Council shall be a sufficient discharge to the trustee.

Section 36 was amended, as from 20 August 2000, by section 22 Alcohol Advisory Council Amendment Act 2000 (2000 No 25) by substituting the word “Chairperson” for the word “Chairman”.

37 Exemption from taxation and duty

- (1) The Council is hereby declared to be exempt from the payment of income tax.

- (2) It is hereby declared that the purposes of the Council are charitable purposes.

Subsection (1) was amended, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115) by omitting the words “land tax and”.

37A Common seal

[Repealed]

Section 37A was inserted, as from 20 August 2000, by section 23 Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

Sections 37A and 38 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

38 Annual report

[Repealed]

Section 38 was substituted, as from 21 December 1992, by section 42 Public Finance Act Amendment Act 1992 (1992 No 142).

Sections 37A and 38 were repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

39 Regulations

The Governor-General may from time to time by Order in Council make regulations for all or any of the following purposes:

- (a) Providing for returns to be made by persons importing into or manufacturing in New Zealand any liquor, or any class or kind of liquor, for the purpose of ascertaining the amount of any levy payable under this Act, and providing for the verification of such returns:
- (b) Exempting any person or class of persons from paying any levy that would otherwise be payable under this Act in any case where the cost of assessing or collecting the levy exceeds the amount payable by way of the levy:
- (c) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

40 Repeal

[Repealed]

Section 40 was repealed, as from 25 September 1989, by section 2(3)(c) Sale of Liquor Amendment Act 1989 (1989 No 73). This section was also repealed, as from 1 April 1990, by section 230(1) Sale of Liquor Act 1989 (1989 No 63).